IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1014 of 2005

Between:

1 K.Rajeshwari, D/o.K.Gnaneshwar,
R/o.7-1-414/17/B, Srinivasa Colony East,
Ameerpet, Hyderabad.
2 K.Madhavi, D/o.K.Gnaneshwar,

Minor, represented by her father and natural guardian K. Gnaneswar
R/o.7-1-414/17/B, Srinivasa Colony East,
Ameerpet, Hyderabad.

3 K.Shilpa, D/o.K.Gnaneshwar,
Minor, represented by her father and natural guardian K. Gnaneswar

R/o.7-1-414/17/B, Srinivasa Colony East,
Ameerpet, Hyderabad.
4 K.Sai Rajendra Prasad, S/o.K.Gnaneshwar,

Minor, represented by his father and natural guardian K. Gnaneswar
R/o.7-1-414/17/B, Srinivasa Colony East,
Ameerpet, Hyderabad.

..... PETITIONERS

AND

1 The Mandal Revenue officer, Vikarabad Mandal, Ranga Reddy, District at Vikarabad.
2 The Revenue Divisional officer, Vikarabad, R.R.District.
3 The District Collector, Ranga Reddy District, at Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of certiorari or any other appropriate writ and quash the order of the 1st respondent in file No.B/922/2004 dated 15-01-2005 and direct the respondents not

to interfere with the possession and enjoyment of the petitioner over the agricultural land in Sy.Nos.185, 188, 195 to 198 of Kothrepally village, Vikarabad Mandal, Ranga Reddy District and grant such other relief as it deems fit in the circumstances of the case.

Counsel for the Petitioners: MR. V.VENKATARAMANA

Counsel for the Respondents :GP FOR REVENUE

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.1014 OF 2005

ORAL ORDER :

Heard the learned Counsel for the petitioners and the learned Government Pleader appearing for the respondents.

This writ petition is filed against the order dated 15-01-2005 passed by the Mandal Revenue Officer, Vikarabad Mandal, Ranga Reddy District under Section 6 of the A.P. Land Encroachment Act, 1905 (for short, 'the Act') directing the petitioners to vacate the lands in question within seven days from the date of receipt of the said order failing which they will be summarily evicted.

The petitioners contend that though a show-cause notice was issued by the 1st respondent on 28-12-2004 under Section 7 of the Act and in response to the same the petitioners submitted a detailed explanation, dated 04-01-2005 which was admittedly received by the 1st respondent on 06-01-2005, the first respondent failed to consider the same and passed the impugned order without assigning any reasons.

A perusal of the impugned order shows that the first respondent failed to refer to the show-cause notice issued under Section 7 of the Act much less the explanation submitted by the petitioners on 6-1-2005. Thus, apparently the order was passed without application of mind to the material on record. That part, the order is cryptic and absolutely no reasons were assigned in support of the conclusion of the 1st respondent that the petitioners are liable to be evicted from the lands in question.

The law is well settled that absence of reasons is one of the grounds for Judicial Review since the failure of the Quasi Judicial Authority to assign reasons would result in violation of the principles of Natural Justice.

Viewed from any angle, the impugned order cannot be sustained and is liable to be set aside. Accordingly, the Writ Petition is disposed of setting aside the impugned order and leaving it open to the first respondent to consider the matter afresh and to pass appropriate orders in accordance with law.

31st January, 2005.

Note:-

CC by 02/02/2005.

(B/O)

gbs

To

1 The Mandal Revenue officer, Vikarabad Mandal, Ranga Reddy, District at Vikarabad.
2 The Revenue Divisional officer, Vikarabad, R.R.District.
3 The District Collector, Ranga Reddy District, at Hyderabad.

4.2CCs to G.P. for Revenue, High Court of AP Bldgs, Hyderabad (OUT).

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